
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

R. S.A. No. 620 of 1998

Date of decision: 26.11.2007

Director, Haryana Agriculture University, Hisar and another

...Appellants

Versus

Des Raj (died) through legal representatives and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Pankaj Maini, Advocate for the appellants.

Mr. B.S.Jaswal, Advocate for

Mr. Rajesh Sethi, Advocate for the respondents.

RAJESH BINDAL, J.

The defendants are in second appeal before this Court against the concurrent findings of fact by both the Courts below whereby suit filed by respondent No. 1/plaintiff for declaration to the effect that he is in cultivating possession of the suit land as tenant was decreed.

At the very outset, learned counsel for the appellants submitted that there was other litigation between the parties whereby the persons in possession of the land, which had been leased out to the appellant University, were proceeded with under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (for short 'the Act'). The order passed therein was challenged before this Court in writ petition, which was dismissed. However, while passing a detailed order on December 05, 1997 in Letters Patent Appeal No. 248 of 1994 (**Nand Ram Vs. State of Haryana and others**), a Division Bench of this Court, while setting aside the eviction order passed by the Sub Divisional Officer (Civil), Sirsa and also the Commissioner, Hisar Division, Hisar, gave liberty to the University to terminate the tenancy of the occupants of the land in

accordance with law. It has been further informed by learned counsel for the appellants that after the acceptance of Letters Patent Appeal No. 301 of 1994 filed by the occupants of the land in dispute, the eviction proceedings were initiated and the Collector, Sirsa ordered their eviction. However, appeal filed by these persons was accepted by Commissioner, while reversing the order passed by the Collector.

Once the appellants are in process to evict the persons, who are in possession of the land, in terms of the order passed by this Court in LPA No. 301 of 1994, I do not find any substantial question of law arises in the present appeal.

Accordingly, the appeal is dismissed.

November 26, 2007
Pka

(Rajesh Bindal)
Judge